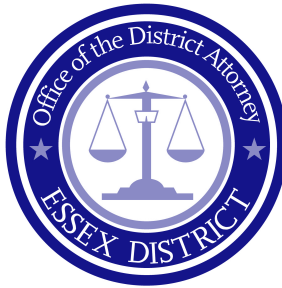


**Office of Essex County District Attorney  
Jonathan W. Blodgett**

# CHILD ABUSE & NEGLECT

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What you need to know  
about reporting child  
abuse and neglect.

**A MESSAGE FROM  
DISTRICT ATTORNEY JONATHAN W. BLODGETT**

Essex County has long embraced the multidisciplinary investigation of child abuse. This approach brings together the Department of Social Services, law enforcement and the District Attorney's Office to conduct coordinated victim sensitive and timely investigations when children disclose abuse. Mandatory reporting is the first step to initiating the investigation of child abuse and is essential to our mission to identify and prosecute those who prey upon children in Essex County. When teachers, medical and hospital personnel, firefighters, members of the clergy, mental health professionals and other mandated reporters notify the Department of Social Services of suspected cases of child physical or sexual abuse as the law requires, the Department of Social Services refers those cases to the District Attorney's Office and to local police departments. This process alerts us to serious cases of child abuse that might not otherwise come to the attention of law enforcement. In addition to mandated reporters, anyone who suspects child abuse or neglect may make a report to the Department of Social Services. Prompt investigation may protect children from further victimization.

As a professional who works with children, your commitment to this mandate is critically important. As a concerned citizen, your involvement is equally important. With your help, we can work towards reducing the devastating impact that child abuse has on some of our most vulnerable citizens.

A handwritten signature in black ink, reading "Jonathan W. Blodgett". The signature is written in a cursive, flowing style with a large initial "J".

**STATISTICS**

Department of Social Services  
Statewide totals for Calendar Year 2004

Total 51A Reports	70,417
Reports Screened In	45,328
Screen in Rate	64%

Supported Investigations	22,098
Support Rate	56%

**DEFINITIONS**

**Child:** A child is a person under the age of 18.

**Abuse:** Abuse includes the non-accidental commission of any act which causes or creates substantial risk of physical or emotional injury, or the commission of a sex offense against a child as defined by the criminal laws of the Commonwealth, including: sexual contact with a child, child enticement, taking sexually explicit photographs of a child, disseminating harmful matter to a child, and engaging a child in prostitution.

**Neglect:** Neglect includes failure, either deliberately through negligence or inability, to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability or growth, or other essential care. This definition is not dependent upon location (ie. neglect can occur when a child is in an out-of-home or an in-home setting).

**THE MANDATED REPORTER STATUTE: C.119 51-A**

Massachusetts Law defines the following professionals as mandated reporters:

- Physicians, medical interns, hospital personnel engaged in the examination, care or treatment of persons, medical examiners;
- Psychologists, emergency medical technicians, dentists, nurses, chiropractors, podiatrists, optometrists, osteopaths;
- Public or private schoolteachers, educational administrators, guidance or family counselors;
- Office of Child Care Services licensors;
- Day care and child care workers, including any person paid to care for, or work with, a child in any public or private facility, or home or program funded or licensed by the Commonwealth, which provides day care or residential services. This includes child care resource and referral agencies, as well as voucher management agencies, family day care and child care food programs;
- Social workers, foster parents, probation officers, clerks magistrate of the district courts, and parole officers;
- Firefighters or police officers;
- School attendance officers; allied mental health and licensed human services professionals;
- Psychiatrists; and clinical social workers; drug and alcoholism counselors;
- Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, accredited Christian Science practitioners, or a person employed by a church or religious body to supervise, educate, teach, train or counsel a child on a regular basis.

**MANDATED REPORTER STATUTE Continued.....**

Mandated reporters who are staff members of schools, medical facilities, or other public or private institutions, may notify the Department of Social Services directly or notify the person in charge of the facility (or their designee) who is then responsible for contacting the Department of Social Services.

Mandated reporters must make an oral report by immediately telephoning the local Department of Social Services area office or the hotline after business hours. In addition, a written report must be submitted within 48 hours.

These reports should contain (when available) the child's name, date of birth, address, information on the child's parents or person in charge of his/her care, the nature and extent of the neglect, abuse, and/or injuries, the manner in which this information was learned of, and any other pertinent information.

Mandated reporters are also required to submit their name, contact information, and relationship with the child.

Massachusetts law states that any mandated reporter who fails to file required oral and written reports may be punished by a fine of up to \$1000.00.

Under the law, mandated reporters who file a report in good faith are protected from liability in any civil or criminal action filed in connection to the report.

## **THE CRIMINAL JUSTICE PROCESS**

When the Department of Social Services receives a report of alleged child abuse or neglect, the case is reviewed and screened in for investigation or screened out. All cases that involve allegations of child sexual abuse or serious physical abuse are also referred to the District Attorney and the local police department. While the Department of Social Services only investigates allegations of abuse by caretakers, all reports of serious and sexual abuse will be referred to the District Attorney. Mandated reporters are required by law to report all allegations of child abuse, regardless of who is suspected of abusing the child.

At the District Attorney's Office, the case is assigned to an assistant district attorney and a victim advocate who will work with the local police department or with the State Police and with the Department of Social Services to investigate collaboratively.

Investigations include an interview of the child whenever possible. Younger children, usually up to age ten, and children with special needs are interviewed in a multi-disciplinary, forensic team setting. The Essex County Child Abuse Project (ECCAP) at the District Attorney's Office is staffed by skilled forensic interviewers who specialize in working with children. They conduct interviews in a one-on-one setting with the child. Other team members, including police, Department of Social Services investigators, victim advocates and assistant district attorneys observe the interview via closed-circuit television, and the interview is recorded on videotape. Older children may be interviewed by a police officer and a Department of Social Services investigator or by a police officer, an assistant district attorney, and a victim advocate. The ultimate goal is to conduct a coordinated, effective and child-sensitive investigation.

**THE CRIMINAL JUSTICE PROCESS Continued....**

If a decision is made to file criminal charges, the victim advocate will keep the child's family informed about the progress of the case. Cases may be prosecuted in the District Court or the Superior Court, depending on the nature of the charges. When a child must testify in court, the victim advocate and the assistant district attorney will meet with the child and his or her family to let them know what to expect and to help prepare them for the experience.

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**FREQUENTLY ASKED QUESTIONS*****1. I know that in my job I am considered a mandated reporter. Am I a mandated reporter 24/7?***

Massachusetts law requires mandated reporters to immediately make an oral report to the Department of Social Services (DSS) when, in their professional capacity, they have reasonable cause to believe that a child under the age of 18 years is suffering from abuse or neglect. In short, this means that when you become aware of a potentially abusive or neglectful situation while you are working, you must report.

***2. What if I am not a mandated reporter? Can I file a report?***

Whenever you have cause for concern regarding the safety and protection of a child, regardless of your employment status, you can make a report of child abuse to DSS. Many feel that they have an ethical and moral responsibility to do so. When you file as a non-mandated reporter, you can remain anonymous.

**FREQUENTLY ASKED QUESTIONS Continued....*****3. As a mandated reporter, will my name be released to the child's family?***

According to the mandated reporter law, the identity of the mandated reporter will remain anonymous. Depending on the circumstances however, a family may be able to determine who might have filed the report. In some legal situations, a judge may release the name of the mandated reporter during court proceedings.

***4. Will I be contacted by anyone after I file a report of suspected child abuse?***

Once you file a report of child abuse, you may be contacted by the investigator from DSS, a police officer or a victim witness advocate from the District Attorney's office to review in more detail the information that you reported.

***5. As a mandated reporter, can I be held liable if I fail to report suspected abuse or neglect?***

Failure by a mandated reporter to report suspicions of abuse or neglect of a child can result in a fine of up to \$1,000.00.

***6. As a mandated reporter, can a family sue me if I make a report of abuse which is unfounded?***

No civil or criminal actions can be taken against you as a mandated reporter, as long as you have acted in good faith.

***7. What is "reasonable cause to believe" that a child under 18 is suffering from abuse or neglect?***



**FREQUENTLY ASKED QUESTIONS Continued....**

Reasonable cause to believe means known or suspected instances of abuse or neglect. A suspicion of child abuse is sufficient to trigger the requirement of the mandated reporter law.

***8. As a mandated reporter, if I learn about past abuse or neglect, am I required to file a report?***

It is appropriate to make a report whenever you have reasonable cause to suspect ongoing or past abuse.

***9. Is a mandated reporter obligated to file a report with DSS if the abuser is not a caretaker of the child?***

Yes. The law mandates that you must report when you have reasonable cause to suspect child abuse or neglect. The relationship of the child and the alleged abuser does not impact your responsibility to report. When DSS receives the report, they will make a decision how to proceed. As part of their regulations, they will investigate allegations that involve a caretaker. If the alleged abuser is not a caretaker, DSS will refer appropriate cases to the District Attorney and police for investigation. In short, if you suspect child abuse, you must report to DSS regardless of the relationship between the child and alleged abuser.

***10. Is a mandated reporter obligated to report suspected child abuse to the police, as well as to DSS?***

A mandated reporter has met their obligation under the law in reporting suspected abuse to DSS. Massachusetts General Laws do not prohibit anyone from reporting suspected criminal activity directly to the police.

**FREQUENTLY ASKED QUESTIONS Continued....****11. *When are reports of abuse or neglect referred by DSS to the District Attorney and the local police?***

DSS must refer any case alleging sexual abuse, sexually inappropriate behavior, sexual exploitation, serious physical injury or death of a child to the District Attorney and the local police for criminal investigation.

**12. *When I make a report of child abuse to DSS, is it my responsibility to tell the child's family that I am making this report?***

You do not have a legal responsibility to tell a family when you are making a report. Some mandated reporters choose to inform the family that they are making a report. This choice is often guided by an assessment of the child's safety.

**13. *If I hear from another source that a child is being abused, but not from the child himself, am I obligated under the law to file a report?***

Yes. If you are a mandated reporter and hear information from a credible and reliable source, then you must file.

**14. *Am I mandated to report physical violence between children?***

Violence between children can range from a mutual altercation to physical abuse. It is your obligation to report any suspected child abuse to DSS.

**15. *Once I tell my supervisor my concerns regarding the abuse of a child, whose responsibility is it to report?***

Although the law permits large institutions, such as schools and hospitals, to develop policies to centralize the reporting process, as a mandated reporter, it is your legal obligation to ensure that a report is filed with DSS when you suspect abuse or neglect.

**FREQUENTLY ASKED QUESTIONS Continued....**

***16. If my supervisor disagrees with my decision to file, could that impact my employment status?***

No. The law says that no employer of a person required to report shall discharge or in any way discriminate or retaliate against a person who makes a report in good faith.

***17. If the alleged perpetrator is a peer of the alleged victim, should the matter be reported to DSS under G.L.c.119, §51A? Should it also be investigated by the school authorities?***

Yes, such cases should be reported to DSS. Remember, the mandated reporter law does not define the nature of the relationship between the parties involved. School authorities should not investigate without the input of those agencies designated to investigate allegations of child abuse, including DSS, the local police and/or the District Attorney's office.

***18. If DSS wants to interview a child in my classroom during the school day, must I obtain parental permission for the investigator to have access to the child?***

DSS regulations permit DSS to interview children at school in appropriate circumstances. If the school refuses DSS access to the child, and DSS determines that this is a high risk situation, DSS may take custody of the child. There is the expectation of cooperation between the schools and DSS by the Department of Education, when the Department has determined that it is necessary to interview a child in school. Many schools enter into MOU's (Memoranda of Understanding) between DSS, the DA's Office, and local law enforcement. School departments may consult with their own counsel for further guidance in this area.

**FREQUENTLY ASKED QUESTIONS Continued....**

**19. *Will reporting suspected child abuse by a parent or guardian to DSS impair the relationship between the school and the family or risk future abuse to the child?***

Many professionals who work with children share this valid concern; however, if you suspect child abuse or neglect, you must make a report. The obligation to report must take precedence in order to protect the child.

**20. *When I file a 51A report, will DSS inform me about the outcome of the case?***

DSS will inform the reporter in writing when a report has been screened out. In addition, when DSS investigates a case, the reporter will receive a letter indicating the outcome of the investigation.

**21. *Should I report when I suspect a student has been abused by a school employee? Will the school also investigate?***

Your suspicions must be reported to DSS. The school should not conduct an investigation independent of DSS and/or the police.

**Questions for the District Attorney's Office  
should be directed to:**

Essex County Child  
Abuse Project  
Essex District Attorney's Office  
Ten Federal Street  
Salem, MA 01970  
Ph: 978-745-6610, ext. 5175  
Fax: 978-744-2161  
[www.mass.gov/da/essex](http://www.mass.gov/da/essex)

### **HOTLINE RESOURCES**

Department of Social Services Child-At-Risk Hotline 1-800-792-5200	Massachusetts Society for the Prevention of Cruelty to Children 617-376-7100
Parental Stress Hotline 1-800-632-8188	National Center for Missing & Exploited Children 1-800-843-5678
Parents Anonymous 1-800-882-1250	

### **LOCAL RESOURCES**

Department of Social Services  
24 Farnsworth Street  
Boston, MA 02210  
Ph: 617-727-0900  
[www.magnet.state.ma.us/dss](http://www.magnet.state.ma.us/dss)

#### **Area Offices – Northeast Region:**

Cape Ann/Salem  
45 Congress Street,  
Building 4  
Salem, MA 01970  
Ph: 978-825-3800/3900

Lawrence  
Everett Mills  
15 Union Street, 2<sup>nd</sup> Floor  
Lawrence, MA 01840  
Ph: 978-557-2500

Haverhill  
3 Ferry Street  
Bradford, MA 01835  
Ph: 978-469-8800

Lynn  
20 Wheeler Street  
Lynn, MA 01902  
Ph: 781-477-1600

Essex Children's Advocacy Center  
North Shore Children's Hospital-North Shore Medical Center  
57 Highland Avenue  
Salem, MA 01970  
Alison Todd, MSW, CAC Coordinator  
Ph: 978-354-2819

**STATE RESOURCES**

Jane Doe Inc.  
14 Beacon Street  
Suite 507  
Boston, MA 02108  
Ph: 617-248-0922  
[www.janedoe.org](http://www.janedoe.org)

Massachusetts Children's  
Alliance  
[www.machildrensalliance.org](http://www.machildrensalliance.org)

Massachusetts Children's Trust  
Fund Family Resource  
Information, Education &  
Network Development Services  
294 Washington Street  
Suite 640  
Boston, MA 02108  
Ph: 617-727-8955 x304  
[www.frca.org/friends.htm](http://www.frca.org/friends.htm)

Massachusetts Citizens  
for Children  
14 Beacon Street  
Suite 706  
Boston, MA 02108  
Ph: 617-742-8555  
[www.masskids.org](http://www.masskids.org)

Massachusetts Coalition of  
Battered Women  
Service Groups  
[www.besafe.org](http://www.besafe.org)

Department of Public Health  
250 Washington Street  
Boston, MA 02108  
Ph: 617-624-6000  
[www.magnet.state.ma.us/dph](http://www.magnet.state.ma.us/dph)

Massachusetts Office of  
Victim Assistance  
One Ashburton Place  
Suite 1101  
Boston, MA 02108  
Ph: 617-727-5200  
[www.mass.gov/mova](http://www.mass.gov/mova)

Massachusetts Society for the  
Prevention of Cruelty  
to Children  
399 Boylston Street, 3<sup>rd</sup> Floor  
Boston, MA 02116  
Ph: 617-587-1500  
[www.msppcc.org](http://www.msppcc.org)

## **NATIONAL RESOURCES**

American Professional Society on the Abuse of Children  
407 South Dearborn Street, Suite 1300  
Chicago, IL 60605  
Ph: 312-554-0166  
[www.apsac.org](http://www.apsac.org)

Child Abuse Prevention Network  
Family Life Development Center  
Martha Van Rensselaer Hall  
Cornell University  
Ithaca, NY 14853  
Ph: 607-255-3888  
[www.child-abuse.com](http://www.child-abuse.com)

National Center for Missing & Exploited Children  
Charles B. Wang International Building  
699 Prince Street  
Alexandria, VA 22314-3175  
Ph: 703-274-3900  
[www.missingkids.com](http://www.missingkids.com)

National Clearinghouse on Child Abuse and Neglect Information  
330C Street, SW  
Washington, DC 20447  
Ph: 800-394-3366  
[www.calib.com/nccanch](http://www.calib.com/nccanch)

National Resource Center on Child Maltreatment  
1349 West Peachtree Street, NE  
Suite 900  
Atlanta, GA 30309  
Ph: 404-881-0707  
[www.gocwi.org/nrccm](http://www.gocwi.org/nrccm)

*Office of Essex District Attorney  
Jonathan W. Blodgett*

## **Guide for Mandated Reporters**

Ten Federal Street  
Salem, MA 01970  
Phone: 978.745.6610  
Fax: 978.744.2161  
[www.mass.gov/da/essex](http://www.mass.gov/da/essex)